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FROM: Cheryl L. Martin (Typed or printed name of person signing Certificate)

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Application No. : 10/715,752
Inventors : Andrea Branca, et al.
Filed : November 18, 2003
Docket No. : CM2543CQ
Confirmation No. : 5522

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Listed below are the items being submitted with this Certificate of Transmission:

- 1) Reply Brief (4 Pages)
- 2) Request for Oral Hearing

Number of Pages Including this Page: 6

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Application No. : 10/715,752
Inventor(s) : Andrea Branca, et al.
Filed : November 18, 2003
Art Unit : 1734
Examiner : Sonya Mazumdar
Docket No. : CM2543CQ
Confirmation No. : 5522
Customer No. : 27752
Title : Improved Process For Printing Actives Onto Articles

REPLY BRIEF

Mail Stop Appeal Briefs – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

This Reply Brief is filed pursuant to the appeal from the U.S. Patent and Trademark Office Final Office Action dated January 3, 2007. A timely notice of Appeal was filed on March 29, 2007, and a timely Appeal Brief was filed on May 29, 2007. This Reply Brief is filed in response to the Examiner's Answer mailed on September 14, 2007.

REPLY TO EXAMINER'S ANSWER

With regard to Argument 1, the Examiner's Answer states "[a]ccording to Dictionary.com, the definition of 'extrude' is to thrust out, force, or press out . . . [d]uring patent examination, the pending claims must be 'given their broadest reasonable meaning.'" (The Examiner's Answer, page 13). However, Applicants respectfully remind the Office that "USPTO personnel must always remember to use

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the perspective of one of ordinary skill in the art. Claims and disclosures are not to be evaluated in a vacuum. If elements of an invention are well known in the art, the applicant does not have to provide a disclosure that describes those elements." (MPEP § 2106(II)(C)).

Applicants respectfully submit that extruders and extrusion are commonly known in the art, and that the Office's use of the dictionary definition recited above is improper. Applicants continue to take the position that Hefe I does not teach or suggest an extruder-applicator as asserted by the Office. In support of this position, Applicants direct the Office's attention to <http://en.wikipedia.org/wiki/Extrusion> and http://en.wikipedia.org/wiki/Plastics_extrusion for disclosure directed to extruders, extrusion, and various extrusion techniques. For the sake of brevity, Applicants will not reproduce the aforementioned disclosure, however, it is Applicants' position it clearly shows that the apparatus described in Hefe I, as asserted by the Office, would not be recognized as an extruder-applicator by one of ordinary skill in the art. For example, it is disclosed that "[e]xtrusion is a manufacturing process used to create long objects of a fixed cross-sectional profile." (<http://en.wikipedia.org/wiki/Extrusion>, first sentence). Applicants submit that the apparatus disclosed in Hefe I is not capable of producing long objects of a fixed cross-sectional profile.

The Examiner's Answer also states "the Examiner does not see the difference in the interpretation of Hefe's 'dots' of adhesive and the claimed 'multitude of beads.'" (The Examiner's Answer, page 13). Applicants point to the disclosure recited above, which discloses in part "long objects of a fixed cross-sectional profile." (<http://en.wikipedia.org/wiki/Extrusion>, first sentence). In addition, Applicants offer the following analogies to clarify the meaning of "beads," as recited in claims 1 and 2 of the present application. It is to be understood that the following analogies are for clarification purposes only, and are not meant to limit Applicants' claims in any way. Applicants submit that one example of an extruded bead of material would be toothpaste that is expelled from a tube of toothpaste in a substantially continuous manner such that the toothpaste forms a "line" of toothpaste on a surface. Applicants submit that another example of an extruded bead of material would be caulk that is

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expelled from a tube of caulk in a substantially continuous manner onto a surface, for example by using a commonly known caulk gun. Thus, Applicants continue to submit that the "dots" of Hefe I are not beads, as is recited in claims 1 and 2 of the present application.

With regard to Argument 2, the Examiner's Answer states "it is agreed that Koehn teaches spraying and dispersing a patterned (block) adhesive . . . in the form of small drops . . . [h]owever, the Examiner does not see a difference in the interpretation of Koehn's 'small drops' and the claimed 'multitude of beads.'" (The Examiner's Answer, page 14). Applicants submit that the remarks and analogies provided above are equally applicable to the spray nozzles of Koehn, and that Koehn does not teach or suggest a multitude of extruder-applicators applying an active material in the form of a multitude of beads, as is recited in claims 1 and 2 of the present application.

With regard to Argument 3, Koehn is cited to support a teaching of extruder-applicators that apply material in the form of beads. Applicant point to the above remarks and analogies, and submit that these remarks and analogies are equally applicable to Koehn, as cited in Argument 3.

With regard to Argument 4, the Examiner's Answer states "Yajima's method teaches the limitation of claim 1 except for a multitude of applicators, an engraved roller at a specified temperature, and an angle of a doctor blade, but the teachings of both Herzog and Hefe II are used to cure those deficiencies." (The Examiner's Answer, page 16). The Examiner's Answer also states that "Hefe II is used to show that a surface of an engraved roller is contacted with blades (15, 16) at an angle of 40 degrees . . . in order to fill adhesive in the roller's cavities." (*Id.*). The Examiner's Answer further states "[i]t would be expected that the blades would be useful for filling either a powdered or liquid adhesive in the rollers cavities." (*Id.*).

First, Applicants would like to point out that claim 1 does not recite an engraved roller. Second, The Office has provided no reasoning or evidence to show why or how the rake of Hefe II is equivalent to the coating blade recited in claim 1 of the present application, and why the angle of the rake is relevant. Third, even assuming, *arguendo*,

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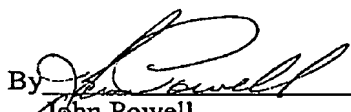
that the rake of Hefe II is equivalent to the coating blade recited in claim 1, the Office has presented no evidence to support an assertion that the angle of a coating blade will be the same when used with a powder or a liquid.

Applicants respectfully remind the Office that it is improper to base a rejection on conclusory statements that are not supported by some evidence or rationale in the record. (*In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002)).

SUMMARY

In view of the remarks above and in the Appeal Brief, it is respectfully requested that the Honorable Board of Patent Appeals and Interferences reverse the rejections of Claims 1-4, 7, and 10-14.

Respectfully Submitted,
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